IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 24TH OCTOBER 2007 / 2ND KARTHIKA 1929

Bail Appl..No. 6462 of 2007

(CRIME NO. 337/2007 OF MEDICAL COLLEGE POLICE STATION, KOZHIKODE)

PETITIONERS/ACCUSED 2 & 3

1. **SHAMSUDHEEN, S/O. UMMER,**
   KOOLANTAVIDE CHALIL, THALASSERY TOWN.

2. **HAMEED, S/O. KUNHAMMED,**
   MANATHALA PALAM, FRANCIS ROAD, KALLAI.

BY ADV. SRI.K.PRAVEEN KUMAR

RESPONDENTS: COMPLAINANT/STATE

1. **THE SUB INSPECTOR OF POLICE,**
   MEDICAL COLLEGE POLICE STATION, KOZHIKODE.

2. **STATE, REP. BY PUBLIC PROSECUTOR,**
   HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.No. 6462 of 2007

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Dated this the 24th day of October, 2007

ORDER

Application for regular bail. The petitioners are accused 2 and 3. They along with 1st accused, face allegations under the NDPS Act. The first accused is allegedly the one who carried in his possession 1.5 Kgs of Ganja. He had allegedly parted with 200 gms each to the petitioners. They were allegedly returning after collecting the 200gms of Ganja each from the 1st accused . It was at that stage that all the three were apprehended by the Police. Investigation is in progress. The petitioners continue in custody from the date of their arrest, that is on 5.9.07. The prayer of the 1st accused for regular bail has already been rejected in B.A.No.6399 of 2007.

2. There is no allegation that the petitioners were in possession of the quantity of Ganja which the 1st accused was found to be in possession either directly or vicariously.

3. In these circumstances, offences alleged against the petitioners under Section 20 (b)(i) must be held to be bailable offence, in as much as the quantity of Ganja possessed by them falls below the small quantity norm prescribed under the Statute.

4. The learned Public Prosecutor does not oppose the said prayer for grant of regular bail and I am satisfied that the petitioners can now be released on bail, subject to appropriate conditions.

5. In the result, this petition is allowed. The petitioners shall be released on bail on the following terms and conditions:

i) The petitioners shall execute bonds for Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioners shall make themselves available for interrogation before the investigating officer as and when directed by the investigating officer in writing to do so.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE